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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,402	04/12/2001	Masahide Kawakami	108974	2534

25944 7590 10/28/2003

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 10/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,402

Applicant(s)

KAWAKAMI, MASAHIRO

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 6 and 8- 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda (US Patent 5,900,860).

As per claims 1, 8, 9 and 16 Ueda teaches object determination means which determines part objects (regions I or II) within a predetermined area in the aggregate object as objects to be changed in display form (changing colors) when an impact (having the user point to a certain area and clicking for selection and selecting certain regions see for example column 5 lines 12- 26) is applied to the aggregate object thereby simulating breakage (when regions I or II is selected, it would be discriminated from the remaining region O see for example column 4 lines 61- 66) of the aggregate object and the impacted position is included within the predetermined area see for example column 4 lines 44- 51 and column 5 lines 12- 26 and figure 4; and image generation means which changes at least one of shape, color, position, rotation angle, direction,

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moving direction and moving speed of the part objects determined as objects to be changed and generates an image see for example column 4 lines 44- 51 and column 5 lines 12- 26 and figure 4.

As per claims 2 and 10 Ueda teaches an area in which the display form of the part objects is changed is determined in accordance with at least one of the magnitude of the impact, the direction of the impact 20 and the type of the aggregate object see for example column 4 lines 61- 67 and column 5 lines 1- 5.

As per claims 3 and 11 Ueda teaches an area in which the display form of the part objects is changed is randomly determined see for example column 5 lines 12- 25 and column 19 lines 13- 27 and column 20 lines 9- 15.

As per claims 4 and 12 Ueda teaches changing the display form of the part objects which are spaced more apart from the impacted position that changes at a later time than the display form of the part objects closer to the impact position see for example column 16 lines 12- 25 and column 19 lines 9- 27.

As per claims 5, 6, 13 and 14 Ueda teaches changing the part objects which have already been changed to a first display form to further change to a second display form after a given time period has elapsed see for example column 1 lines 20- 34 and column 5 lines 12- 25 and column 7 lines 59- 65.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock et al (US Patent 6,229,524), hereinafter, Chernock.

As per claims 7 and 15 Ueda does not teach the aggregate object is formed by assembling the part objects having different shapes without any gaps.

However, Chernock teaches the aggregate object is formed by assembling the part objects having different shapes without any gaps see for example column 5 lines 55- 67 and figures 2 and 3.

It would have been obvious at the time the invention was made to incorporate the teachings of Chernock into Ueda to navigate a cursor among the current hot spots (part objects) in a MMP (multi media presentation) and thus make a selection of a function associated with one of them see for example column 2 line 67 and column 3 lines 1- 3.

***Response to Arguments***

Applicant's arguments filed 09/26/2003 have been fully considered but they are not persuasive.

As per claims 1 and 9 the applicant argues that Ueda does not disclose or suggest an impact is applied to the aggregate object thereby simulating breakage of the aggregate object.

The examiner respectfully disagrees.

The examiner believes that the teachings of Ueda having region I or II being discriminated from the remaining region O is fairly equaliant to the limitation of having "simulating breakage of the aggregate object". Discriminating part of the whole region is in essence breaking such a part from the entire region.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure 6,133,898 and 6,734,272.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Inquiry**

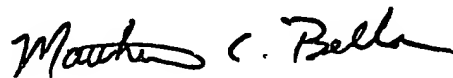
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305- 5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872- 9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305- 4750.

Mike Rahmjoo

October 24, 2003



**MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**